Notification No. 9013, dated 7th April 1909.

Notice of sale in the Bowringpet Taluk, for a period of 3 years, commencing 1st July 1909 and ending 30th June 1912, of licenses for the sale of Foreign Liquors in Refreshment Rooms in which the sale of liquor is ordinarily combined with the supply of meals or eatables prepared and served in the European manner.

I. Notice is hereby given that the privilege of selling Foreign Liquor under the licenses mentioned in the subjoined schedule during the three years, beginning 1st July 1909 and ending 30th June 1912, will be put up to public auction by Deputy Commissioners or Revenue Assistant Commissioners or District Officers of the Excise Department or other officers specially authorized by the Deputy Commissioners for the purpose on the date and at the place mentioned in the schedule, subject to the conditions hereinafter set forth. If the sales are not completed on the dates fixed, they will be continued on the next following days, close holidays excepted.

II. A deposit of Rs. 20 must be made by each bidder previous to bidding and will be received by the selling officer on the day of sale.

III. The shops will be put up to auction at an upset price of Rs. 150 per annum. If there are no bids for or above the upset price the privilege shall not be sold and no Refreshment Room License of the kind shall be issued.

IV. Every shop should, as a rule, be sold independently.

V. No person will be allowed to bid for another unless he holds a Power-of-Attorney from the latter.

VI. No shops will be knocked down in the name of two or more persons unless they represent a duly recognized Company or firm by means of a Power-of-Attorney. The selling officer shall refuse to register as a purchaser any one in whose name the bidding has not proceeded.

VII. The officer conducting the sale may, at his discretion, refuse to accept the bid of any person on the ground that it is too low or that he has been convicted by a Criminal Court or has previously been guilty of such a breach of the conditions of a license or of a contract under the Excise Regulation or Opium Act, as to render him undesirable as a holder of a license or on the ground that he is insolvent or to prevent arrangements to the detriment of Government interests or for any other valid reason. He may also refuse any bid which he may consider to be purely speculative after recording his reasons for doing so.

VIII. The shops will be knocked down to the highest bidder, but the sale will be subject to formal confirmation by the Deputy Commissioner, who shall be at liberty to accept or reject any bid at his discretion. Such formal confirmation will be tantamount to an acceptance of the bid unless revised by the Government for special reasons and will be necessary whether the sale be held by the Deputy Commissioner himself or by any officer appointed by him.

IX. In case of dispute the selling officer's decision shall be final; and if for any reason the highest bid is rejected the next highest shall be taken or the shop re-sold at his discretion.

X. Tenders after auction shall not generally be accepted. Shops remaining unsold at the first auction shall ordinarily be disposed of by re-auction later on. But the Deputy Commissioner has full discretion on this point.

XI. At the close of each day's sale, the deposits made by the unsuccessful bidders will be returned to them. As the auction proceeds, each person whose bid is accepted shall at once, if so required by the selling officer, or otherwise at the close of the day's sale, make a further deposit of two months' rent (in addition to the deposit made under condition II) for each shop unless the initial deposit equals or exceeds six months' rent. Should he fail to do so, the deposit made by him under condition II will be forfeited and the shops will be put up again immediately to auction by the selling officer on the above conditions or otherwise disposed of by the Deputy Commissioner and the defaulter will be debarred from bidding again for the same or for any other shop.

XII. Persons to whom shops have been knocked down and who have made deposits as provided in conditions II and XI shall leave their address with the selling officer, in order that the confirmation of the sale may be communicated to that address by a notice and they shall also deposit* such further sum as with the former deposits will make up six months' rent. Such deposit should be paid into the Taluk Treasury within seven days from the date

* Deposits may be in cash or other approved security.

of communication of the notice of the Deputy Commissioner's acceptance of the bid by its presentation to themselves or to any adult male member of their family at the place of the said address, or by its despatch duly registered by post. They shall then *without unnecessary delay* execute the necessary engagements and take out licenses on the conditions hereinafter set forth. In the case of the purchaser's death after signing the agreement, it will be binding on his heirs and assigns. Should the initial deposit exceed the sum required to be deposited under this condition, the excess will be refunded unless the purchaser is required to make a deposit (twice that sum) under condition XIII *infra*.

XIII. If on enquiry subsequent to sale the purchaser shall be found to be of doubtful solvency or a foreigner having no sufficient property in the Mysore State, he may be required either to deposit twice the sum prescribed in condition XII *supra* or to get a surety or sureties, residents of and possessing sufficient property in the Mysore State to execute a security bond for the due payment of all moneys that may become due by him under the terms of the contract. The bond shall be stamped (Article 32 of Schedule I of the Mysore Stamp Regulation, II of 1900) and also registered at the expense of the purchaser if the amount secured exceeds Rs. 1,000.

XIV. As soon as the sales are over, the sale conducting officer shall forward a list of the successful bidders to the Amildar of the taluk concerned who shall enquire into the solvency of and record the amount of deposit or surety required from each purchaser. He should submit the list so prepared to the selling officer within five days of its receipt and the latter should submit the same with his remarks to the Deputy Commissioner for confirmation without delay.

XV. On the failure of any person to make deposit under condition XII or to comply with the requisition under condition XIII *supra* or to execute engagements and take out licenses as aforesaid, the deposits already made shall be forfeited and the shop be re-sold or otherwise disposed of at the discretion of the Deputy Commissioner.

XVI. Re-sales effected under condition XV will be at the risk of the defaulting bidder, who will forfeit all gain, and, in the event of loss, will be required to make good the deficiency between the total amount payable for the whole period under the terms of the original sale and the total amount payable by the successful bidder at the re-sale. In the latter case the forfeited deposits will be deducted from the loss arising from the re-sale, and the remainder, if any, will be recoverable from the defaulter in the same manner as if it were an arrear of land revenue. Should, however, the forfeited deposits be greater than the loss by re-sale, the whole of such deposits will be credited to Government. The defaulting bidder will be similarly liable if the privilege is disposed of otherwise than by re-sale and such disposal results in loss to Government as compared with the original sale.

XVII. The purchaser of the privilege is liable to the penalties prescribed for breaches of the conditions set forth below, though a formal license may not have been issued to him.

XVIII. The deposit referred to in condition XII or condition XIII, as the case may be, will be taken as security for the due performance of the conditions of the license. If the Deputy Commissioner and the licensee so agreed, it may be credited towards the last instalment of the khists payable by the latter.

XIX. The licenses issued under the above clauses will contain the following general conditions; and the special conditions prescribed below:—

General conditions applicable to all Excise and Opium Licenses.

The manufacturers of arrack and other country spirits as well as the licensees of Arrack Bonded Depôts are prohibited from holding any interest in the retail vend of arrack or in the vend of other intoxicants and from employing any person who has such interest. This prohibition does not extend to the wholesale supply by the manufacturers of special liquors or of rectified spirit to licensed vendors.

2. The limits within which sales under any Excise or Opium licenses may be carried on will be specified by the Deputy Commissioner at the time of the grant of the license. The sale or possession (except subject to the rules applicable to unlicensed persons) of liquor, intoxicating drugs or opium outside those limits is prohibited, except with the special permission of the Deputy Commissioner.

3. Sales must be conducted in a suitable building of which the whole or part must be entirely set aside for use as a Depôt or shop. If there are means of communications between the Depôt or shop and an adjoining dwelling house, they must be kept locked at night. In the case of arrack shops in Municipalities or towns having a population of 5,000 and over the shop premises shall have no doors except into the main street; no windows or other opening shall be allowed to the rear or at the ends of the building; there shall be no possible means of ingress or egress in any other direction; the bar at which the sale is held shall be opposite the entrance door and so situated that all persons inside can be seen by any one

passing to and fro in the street, and no second room shall be used for sale, or be kept open for customers. The interior of the shop shall be sufficiently lighted by day and the shop shall not be used as a place of residence save by the vendor and his family or care-takers.

4. Except in the case when two or more Foreign Liquor licenses are held by one person, sales under each license issued must be in different premises (Chemists and Druggists and Medical Practitioners excepted). The possession upon any licensed premises of any liquor, intoxicating drug or opium except that to which the license relates, or of any essence or substance used or capable of being used for coloring or flavouring liquor is prohibited. But intoxicating drugs made from opium other than Morphia or preparations for smoking may be prepared and sold in shops licensed for the sale of opium.

5. A signboard must be affixed to the front of each Depôt or shop showing the nature and the number of the license under which the sales are conducted there, the name of the licensee and (except in the case of Foreign Liquor or Special Liquors) the current rate of sale. These particulars must be ligibly painted in the local vernacular. The license must be hung up in a conspicuous place within.

6. All liquor; intoxicating drugs and opium sold or kept for sale shall be of good quality and unadulterated. Nothing shall be added to them either to increase their intoxicating power or for any other purpose except the manufacture of intoxicating drugs in accordance with the terms of a license. All officers authorized to inspect Depôts and shops (*vide* condition 25 *infra*) are authorized to detain any liquor, intoxicating drug or opium found unfit for consumption or use, or which they may believe to have been tampered with, and the Excise Commissioner, Deputy Commissioners, and District Excise Officers are empowered to destroy such as are found unfit for consumption or use.

7. The sale or transport of liquor, intoxicating drugs or opium by persons below the age of fourteen or by persons suffering from leprosy or any contageous disease and the employment of such persons in the shops or Depôts for the sale of the same are prohibited. The Deputy Commissioner may, where necessary, call for the names of all persons employed or proposed to be employed in Depôts or shops and forbid the sale of liquor, intoxicating drugs or opium by any person of whom he may disapprove.

8. No Depôt or shop shall be opened before sunrise or kept open after 9 P.M. except under special authority.*

9. No drunkenness, disorder or gaming shall be permitted in Depôts or shops. Entertainments of any kind in Depôts or shops are also strictly forbidden.

10. No robbers or thieves or disorderly or riotous persons or prostitutes or soldiers or others known or believed to be deserters shall be harboured in Depôts and shops. Intimation of their resort thereto shall be given to the nearest Magistrate or Police Officer.

11. No person shall be harboured in any Depôt or shop during the night.

12. Depôts and shops situated on or adjacent to the line of march must be closed, if the Deputy Commissioner so orders, while a Regiment or detachment of European or Native soldiers is passing or is encamped in the vicinity. Deputy Commissioners or Revenue Assistant Commissioners shall have power also to close any shops temporarily in times of religious excitement or disturbance. Every Depôt and shop-keeper shall on his own motion close his Depôt or shop when there is riot or disturbance in the neighbourhood.

13. The Deputy Commissioners may order the transfer of Depôts and shops from one locality to another provided the distance is not more than two hundred yards or the closure of the same. But no new shops shall be opened except with the previous sanction of the Excise Commissioner.

14. The right is reserved to the Deputy Commissioner to grant "Occasional licenses" for the sale of liquor, intoxicating drugs and opium, on the occurrence of fairs, festivals, etc., in places in the vicinity of which there are no regularly licensed shops. Such licenses shall ordinarily be granted to the shop-keepers who usually supply the locality or to the representatives of the renter. Their period shall not exceed fifteen days and the fee to be paid therefor shall be fixed at the Deputy Commissioner's discretion unless he decides to sell the same by public auction.

15. No liquor, intoxicating drug or opium shall be sold or given,

(*a*) Except at shops specially approved by the General Officer commanding the Division (or Independent Brigade) or the Officer commanding the Cantonment or Camp, and then only in respect to such liquors as shall be approved by the same authority in consultation with the local Excise authorities and specified in the license—

(1) to sailors, soldiers and the members of their families; or
(2) to any other person living in barracks;

* (1) 9-30 P. M. in the Bangalore City.
(2) 8 P. M. in the case of Arrack Bonded Depôts.

(*b*) Whilst on duty, to any—

(1) Camp follower, member of the Police Force or Officer of the Excise Department;

(2) Servant of a Railway Company; or

(*c*) In any circumstances, to any—

(1) European vagrant under escort of the Police;

(2) Child under 14 years of age;

(3) Insane person; or

(4) Person known or believed to be intoxicated.

16. No privilege of supply or vend shall be sold, transferred or subrented without the Excise Commissioner's previous permission. Nor, if the Deputy Commissioner so orders, shall any agent be appointed for the management of any such privilege without his previous approval.

17. No holder of any Excise or opium license will be allowed, without the written permission of the Excise Commissioner to possess or continue to possess any interest direct or indirect in any Excise or opium license outside the Territories of Mysore, or in the Civil and Military Station of Bangalore.

18. Depôts and shops must be kept open unless their temporary or permanent closure is authorized under condition 12 or 13 *supra* and such supply of liquor, intoxicating drugs or opium as the Deputy Commissioner may consider sufficient to meet local requirements must be maintained therein. Shops not opened by 1st July, shall be liable to be resold at the risk of the licensees.

19. No liquor, intoxicating drug or opium shall be sold in shops except for cash. The licensee shall be bound to give intimation of the offer of anything other than cash to the nearest Magistrate or Police Officer. This condition is not, however, meant to restrict credit sales in the ordinary course of business by shop-keepers or Firms of standing and respectability dealing in Foreign and Special liquors for consumption off the premises.

20. *No liquor, intoxicating drug or opium shall be sold below or above such minimum or maximum or fixed prices as may be prescribed for the sale of the same in accordance with the law for the time being in force.

21. †No liquor, intoxicating drug or opium in excess of the quantity prescribed for possession without a license shall be permitted to be removed by any person at any one time from any licensed premises without a valid permit.

22. True accounts of transactions shall be maintained from day to day in ink in the prescribed form. Permits for liquor, intoxicating drugs or opium received and the counterfoils of permits issued must be carefully filed. The signing of blank permits for subsequent issue is prohibited. The accounts and counterfoils of permits shall be preserved for one year after the period covered by the license and shall be produced when called for by any Excise Officer not below the rank of an Inspector.

23. Such returns and information as may be required from time to time by any Officer not below the rank of an Excise Inspector shall be furnished by holders of licenses without delay.

24. Only such weights and measures as may from time to time be prescribed by the Excise Commissioner shall be possessed or used on any licensed premises. The possession or use of weights or measures that are incorrect on any licensed premises will render the licensee liable to punishment.

25. Any Officer of the Excise Department of rank not lower than Sub-Inspector is authorized to inspect licensed shops and depôts. These Officers are empowered to enter and examine the premises, to test weights and measures in use and the liquor, intoxicating drugs and opium, and to call for and check the accounts kept in the shop or depôt. Police Officers will also make inspections when it comes within the scope of their duty.

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* 1. Arrack 20 Under Proof—Fixed price 2 annas per dram.
2. Ganja—Fixed price 2 annas per tola.
3. Opium—Fixed price 9 annas per tola.
4. Toddy—Minimum price as notified in the Schedule.

† 1. Arrack—One reputed quart.
2. Toddy—Two seers.
3. Ganja—Four tolas.
4. Opium—Three tolas.
5. Foreign Liquors—Two gallons.

26. An inspection note book, with the pages numbered consecutively, for inspecting officers to enter their remarks in, shall be maintained, and be handed over to the Excise Inspector in charge of the Range or any officer authorized by him to receive it on a receipt being given therefor.

27. The amount for which the privilege has been purchased shall be payable in twelve equal quarterly instalments into a Government Treasury on or before the 10th of each quarter beginning with July. The licensee of a Jatra shop shall pay the rent thereof in full before the Jatra begins.

Note.—In the Malnad and Semi-Malnad Taluks the Deputy Commissioners may permit Patels of villages who are not themselves licensees to receive payments not exceeding Rs. 50 from any individual at a time.

28. No remission or abatement of the rent shall be claimable on any account whatever.

29. Any sum due by a licensee may be recovered by attachment and sale of the property of the licensee or his surety, under any law for the time being in force for the recovery of arrears of land revenue or adjusted from the deposit, if any, made by him at the commencement of the lease. He shall be bound to replace any sums adjusted from his deposit within fifteen days of receipt of notice from the Amildar.

30. Power is further reserved to Revenue Officers to suspend licenses in case of failure of payment of khists or (in the case of toddy) tree-tax also on the due dates. In the case of arrack, toddy and drug shops this power will be exercised by Amildars and in other cases by the Deputy Commissioners.

31. In the event of the aforesaid arrack, toddy or drug licensee failing to pay his khist by the end of the month for which it is due, the Amildar with the sanction of the Deputy Commissioner by record in writing, and after suspending the license shall re-sell on the 1st of the month following (close holidays excepted) the privilege of sale with effect from the date of issue of license to the new purchaser or the privilege may be otherwise disposed of at the Deputy Commissioner's discretion. All losses on account of supension and re-sale or other disposal of the privilege shall be borne by the defaulting licensee, but he shall have no right to gain, if any, which accrues. The whole of the deposit, if any, made at the commencement of the lease will be liable to forfeiture. The officer who has power to suspend the license may, however, at his discretion allow sales to continue pending re-sale or other disposal of the privilege.

32. Interest on all moneys due shall be payable at the rate of one pie per rupee per mensem or part thereof.

33. Infraction of any of the conditions of the license either by a licensee or by any person in his employment will entail on the licensee—

Either (*a*) fine up to Rs. 50, or

(*b*) forfeiture of deposits, if any, and cancellation of license and re-sale or other disposal of the privilege at the risk of the licensee.

The licensee or his agent may also be prosecuted for the specific offence committed. The rent for the whole lease shall become due at once, when a lease is cancelled under this condition.

NOTE.—For continuing breaches of a license, continuing fines may be imposed.

34. Any license may be forfeited and the privilege be resold or otherwise disposed of at the risk of the licensee if the licensee be convicted before a Magistrate of any offence against the $\frac{\text{Excise Regulation}}{\text{Opium Act}}$, or of any offence under the Indian Penal Code, which in the Deputy Commissioner's opinion renders him unfit to hold it. The purchaser of a privilege is liable to the penalties prescribed in this condition if he is convicted of any such offence as above contemplated after the confirmation of the sale of the privilege to him though before issue of a formal license. Forfeiture of any license under this clause shall involve forfeiture of the balance of all deposits after payment to Government of all sums due under the lease.

35. Licensees are bound to report to the Deputy Commissioner all instances which come to their knowledge of persons employed by them in the manufacture, carriage or sale of liquor, opium and intoxicating drugs, committing breaches of the Excise Opium laws or of engagements entered into by them and to comply with the Deputy Commissioner's orders respecting the continued employment of such persons. No persons who have been convicted under the Indian Penal Code shall be employed in the carriage or sale of liquor, opium and intoxicating drugs without the Deputy Commissioner's previous permission.

36. Pecuniary dealings by licensees of any kind whatever with officials of the Excise Department are absolutely prohibited.

37. With the sanction of the Excise Commissioner, any license shall be revocable by the Deputy Commissioner at his discretion on giving the licensee fifteen days' notice of such revocation, in which case a proportionate part of the fee paid will be refunded.

38. All licensees shall be bound by any additional general rules that may be prescribed under the Excise Opium laws and, if so required by the Deputy Commissioner or any officer authorized by him, to deliver up their licenses for amendment or for the issue of fresh ones.

39. No licensee shall have claim to any compensation or remission on account of any arrangements which may be made in regard to liquors or intoxicating drugs other than those to which his license relates.

40. No licensee of any one kind of liquor shop shall, during the term of such license, have any interest in the exclusive privilege of vending any other kind of liquors within five miles from it nor shall he permit any person having such interest to hold any share or interest in his exclusive privilege.

XX. Conditions applicable to licenses for the sale of Foreign Liquors in Refreshment Rooms in which the sale of liquor is ordinarily combined with the supply of meals or of eatables prepared and served in the European manner.

1. The privilege extends only to the sale of Bangalore Beer, Special Liquors manufactured in the Government Central Distillery at Bangalore and Foreign Liquors of the strengths and brands mentioned in the license and in the Refreshment Rooms maintained by the licensee to persons supplied with meals or eatables prepared and served in the European manner for consumption on the premises. No foreign spirits below 15° U. P. shall be sold under the license except with the special permission of the Excise Commissioner.

2. Sale of liquor for removal from the premises is prohibited under this license.

3. No draught Beer or Porter of any kind shall be sold under this license.

4. The premises to be used for the sale of liquors under this license must be at least of the monthly rentable value of Rs. 20.

5. It will at all times be optional with the Deputy Commissioner to withdraw this license, if it should appear that the sale of liquors to persons who have not partaken of meals in the Refreshment Room is permitted to such an extent or so habitually that the Refreshment Room may fairly be classed as a tavern.

6. All Foreign Liquors intended for sale under this license shall be imported only after obtaining an import permit from the Deputy Commissioner for the purpose. Any import otherwise is an offence under Section 6 of the Mysore Excise Regulation and the licensee is punishable under Section 55.

7. The licensee is prohibited from rectifying spirits by purifying, colouring or flavouring or mixing any material therewith.

8. All receptacles containing beer manufactured in the Bangalore Brewery shall be labelled or branded with the words "Beer manufactured in Bangalore."

9. All liquor imported in bulk and bottled in British India, received or kept for sale, must bear a printed label showing clearly the country of manufacture, the name of the bottler as entered in his license and the place of bottling.

10. The licensee shall not be allowed to possess any interest in the retail vend of arrack or to employ any person who has such interest.

SCHEDULE.

Name of the town in which the shop is to be located	Locality	Kind of License	Date of sale
Kolar Gold Fields ...	Robertsonpet	Refreshment Room License	20th May 1909.
Do. ...	Steven's Camp	Do.	Do.
Bowringpet ...	Bowringpet	Do.	Do.

The auction will be held in the Gold Fields Magistrate's Court.

H. H. SPARKES,
Excise Commissioner.